

STATE OF WISCONSIN

Senate Journal

Ninety-First Regular Session

10:00 A.M.

Wednesday, July 7, 1993

The Senate met.

The Senate was called to order by Brian D. Rude, President of the Senate.

The roll was called and the following Senators answered to their names:

Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz Stitt, Weeden, Wineke and Zien - 33.

Absent - None.

Absent with leave - None.

The Senate stood for the prayer which was offered by Reverend John McBeth of the First United Methodist Church in Fort Atkinson.

The Senate remained standing and Senator Lorman led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 371

Relating to changes in the agricultural production loan guarantee program for loans for the purchase of animal feed and making an appropriation.

By Senators Lasee, Clausing, Zien, Drzewiecki and Schultz; cosponsored by Representative Gronemus.

To committee on Transportation, Agriculture, Local and Rural Affairs.

COMMITTEE REPORTS

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

Appendix to Senate Bill 178

Public Policy Involved

Protective occupation participants have a higher benefit formula, earlier normal retirement, and also a slightly higher employee contribution rate than general employees. Because of the enhanced benefits and rights,

there is a strong incentive for general employees to achieve protective status—particularly where a minimal added employee cost can improve benefits by 25%.

Senate Bill 178 would amend the appeal process by which employees can seek protective status. The bill would limit the timeframe for appealing an employer determination to 90 days after such determination, and would limit the amount of retroactive service that could be improved to one year prior to the date the appeal is received by the DETF. This legislation may have been introduced on the assumption that the present process leads to too many appeals and related administrative costs.

The DETF indicates that there are presently 178 appeals now in process within the department. However, of this number only 53 relate to appeals of protective designation, and 48 of this number represent two large groups of employees with similar issues—public defenders and security guards. Hence, any assumption that protective designation appeals are excessive under current procedures may be questioned.

If provisions of this bill are deemed to represent good public policy, the following issues should perhaps be addressed before passage:

1. Determination and Notification. There is no specific time requirement in Chapter 40, Stats., for employers to notify the DETF or the effected employee of WRS participation and classification. A specific time requirement to notify both the department and the employee may be desirable, such as 60 days after hire.

2. DER Review. The Department of Employment Relations now reviews all protective designations made by state agencies, while the DETF itself may review such designations made by local government. This legislation should perhaps clarify that the determination date for state employees is the date that DER completes its review, and that employees may appeal determinations made under both 40.06(1)(d and (dm) as amended by this legislation.

3. Appeal Time Limits. Section 40.06(1)(e) 2 as created by this bill should perhaps be amended to replace references to the date of determination by the employer or DER to the date that the employee is notified of such determination. Also, the 90-day time limit should perhaps be extended to at least one year after the date of notification so that an employee would not have to file an appeal during any period of probation. Lastly, the time limits do not recognize those instances in which an employee's duties are gradually expanded to meet the protective definition under s. 40.02(48).

4. Retroactive Limitations. This bill would change the existing retroactive service limit from seven years to one

year of service before the date of the appeal, and this would apply not only to future appeals but also all appeals in process on the effective date. This may raise questions of contractual rights, and any change relative to retroactive credit should perhaps be limited to those newly hired on or after the effective date.

The Senate substitute amendment 1 to **Senate Bill 178** addresses the four issues noted above relating to the original bill. The Senate substitute amendment deletes the provisions found in the original bill relating to the 90-day appeal limit and the one-year retroactive limit for prior service. The substitute amendment would newly require employers to notify all employees of their participation under the WRS and their occupational classification in timely manner to be prescribed by the DETF. The substitute amendment would also limit an employee's right to appeal that classification to a one-year period after notification of such classification by the employer. Lastly, the substitute amendment would apply only to those determinations made by employers on or after the effective date of this legislation.

RECOMMENDATION

The Joint Survey Committee on Retirement Systems does not Recommend passage of **Senate Bill 178** as introduced. However, the Committee finds that the Senate substitute amendment 1 thereto is good public policy and recommends the adoption and passage of the substitute amendment.

Senator Farrow
Co-chair

Representative Meyer
Co-chair

Read and referred to committee on State Government Operations and Corrections

Senator Ellis, with unanimous consent, asked that the Senate move to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.
Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 70

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 70

Relating to creating a committee of conference on 1993 Senate Bill 44.

By Representatives Kunicki and Travis.
Considered as privileged and taken up.

Assembly Joint Resolution 70

Relating to creating a committee of conference on 1993 Senate Bill 44.

Read.

Senate amendment 1 to **Assembly Joint Resolution 70** offered by Senators Ellis and Rude.

The question was: Adoption of Senate amendment 1?

Adopted.

The question was: Shall the joint resolution be concurred in as amended?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien – 33. Noes – None. Absent or not voting – None.

Concurred in as amended.

The Chair appoints Senators Leraan, Ellis, Farrow and Jauch as conferees on its part.

The question was: Confirmation of the appointment of the conferees?

Confirmed.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

The Chair, with unanimous consent, asked that the Senate return to the sixth order of business.

EXECUTIVE COMMUNICATIONS

Senator Moen, with unanimous consent, asked that the Senate recess until 11:59 A.M.

10:25 A.M.

RECESS

11:59 A.M.

The Senate reconvened.

CALENDAR OF WEDNESDAY, JULY 7, 1993

Senator Lasee, with unanimous consent, asked that all appointments be taken up en masse.

BAKER, HAROLD E., of Waukesha, as a member of the Wisconsin Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1995.

Read.

BRANDT, THOMAS, of New Holstein, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1997.

Read.

CURRAN, MARK J., of Portage, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1997.

Read.

DELONG, DELMAR E., of Clinton, as a member of the Wisconsin Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1999.

Read.

KENNER, DEBRA, of Milwaukee, as a member of the Wisconsin Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1999.

Read.

RIFFLE, CYNTHIA M., of Mukwonago, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 1997.

Read.

WENZEL, FREDERICK J., of Marshfield, as a member of the Wisconsin Board of Vocational, Technical and Adult Education, to serve for the term ending May 1, 1997.

Read.

The question was: Confirmation?

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leraan, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 33.

Noes — None.

Absent or not voting — None.

Confirmed.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Assembly Joint Resolution 70, Senate amendment 1

The Assembly has appointed Representatives Kunicki, Travis, Linton and Panzer as conferees on its part.

Senator Ellis, with unanimous consent, asked that **Senate Resolution 7** be placed at the foot of the calendar.

CALENDAR OF WEDNESDAY, JULY 7, 1993

Senate Bill 17

Relating to volunteer health care providers in Sheboygan county.

Read.

The question was: Concurrence in Assembly substitute amendment 1?

Concurred in.

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senate Resolution 8

Relating to eliminating the 'no hats' directive and authorizing interim bill rereferral to the joint committee on finance.

Read.

Senate amendment 1 to **Senate Resolution 8** offered by Senator George.

The question was: Adoption of Senate amendment 1?

Senator Lasee moved that Senate amendment 1 be laid on the table.

The question was: Shall Senate amendment 1 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes — Senators Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Lasee, Leraan, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 19.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 14.

Absent or not voting — None.

Tabled.

The question was: Adoption of the resolution?

Senator Ellis moved that **Senate Resolution 8** be laid on the table.

The question was: Shall **Senate Resolution 8** be laid on the table?

Tabled.

SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS

Senate Bill 48

Relating to authorizing the issuance of 'Class C' licenses to bed and breakfast establishments for the sale of wine on the premises.

Read a second time.

Senator Leean, with unanimous consent, asked that **Senate Bill 48** be referred to the joint committee on Finance.

Senator Leean, with unanimous consent, asked that **Senate Bill 48** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 48

Read a third time and passed.

Senate Bill 179

Relating to changes to the basic and expanded civil service certification provisions.

Read a second time.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 179** offered by Senator Zien.

The question was: Adoption of Senate amendment 1 to Senate amendment 1?

Senator Zien, with unanimous consent, asked that Senate amendment 1 to Senate amendment 1 be laid on the table.

The question was: Adoption of Senate amendment 1?

Adopted.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 179

Read a third time and passed.

Senate Bill 214

Relating to the coverage under the prevailing wage rate and hours-of-labor law of truck drivers who work on state highway projects.

Read a second time.

Senator Farrow, with unanimous consent, asked that **Senate Bill 214** be placed at the foot of the calendar.

Senate Bill 243

Relating to the regulation of auctioneers, creating an auctioneer board, granting rule-making authority, making an appropriation and providing a penalty.

Read a second time.

Senator Leean, with unanimous consent, asked that **Senate Bill 243** be referred to the joint committee on Finance.

Senator Leean, with unanimous consent, asked that **Senate Bill 243** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 243

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 31.

Noes — Senators Adelman and George — 2.

Absent or not voting — None.

Passed.

Senate Bill 299

Relating to methcathinone and providing penalties.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 299

Read a third time and passed.

Senate Bill 311

Relating to updating terminology used in the laws pertaining to special education.

Read a second time.

Senator Leean, with unanimous consent, asked that **Assembly Bill 533** be withdrawn from committee on Education and taken up.

Assembly Bill 533

Relating to updating terminology used in the laws pertaining to special education.

Read a second time.

Senator Leean, with unanimous consent, asked that **Assembly Bill 533** be referred to the joint committee on Finance.

Senator Leean, with unanimous consent, asked that **Assembly Bill 533** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Senate substitute amendment 1 to **Assembly Bill 533** offered by Senator Lorman.

The question was: Adoption of Senate substitute amendment 1?

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 533** offered by Senator Stitt.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1?

Adopted.

Senate amendments 2 and 3 to Senate substitute amendment 1 to **Assembly Bill 533** offered by Senator Jauch.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1?

Senator Jauch, with unanimous consent, asked that Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 533** be taken up.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1?

Senator Lorman moved rejection of Senate amendment 3 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.
Absent or not voting — None.

Rejected.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1?

Senator Stitt moved rejection of Senate amendment 2 to Senate substitute amendment 1.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.
Absent or not voting — None.

Rejected.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Concurred in as amended.

Senate Bill 311

Relating to updating terminology used in the laws pertaining to special education.

Read a second time.

Senator Ellis, with unanimous consent, asked that **Senate Bill 311** be laid on the table.

Senate Bill 312

Relating to children with exceptional educational needs who reside in child caring institutions and granting rule-making authority.

Read a second time.

Senator Lorman, with unanimous consent, asked that **Senate Bill 312** be laid on the table.

Senator Lorman, with unanimous consent, asked that **Assembly Bill 532** be withdrawn from committee on Education and taken up.

Assembly Bill 532

Relating to children with exceptional educational needs who reside in child caring institutions and granting rule-making authority.

Read a second time.

Senator Leean, with unanimous consent, asked that **Assembly Bill 532** be referred to the joint committee on Finance.

Senator Leean, with unanimous consent, asked that **Assembly Bill 532** be withdrawn from the joint committee on Finance and taken up.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

RECESS

Assembly Bill 532

2:00 P.M.

Read a third time and concurred in.

The Senate reconvened.

CHAIR

Senate Bill 313

Relating to changing certification of first responders to be only for the performance of certain defibrillation.

2:05 P.M.

Read a second time.

Senator Lasee in the Chair.

Senator Buettner, with unanimous consent, asked that **Senate Bill 313** be laid on the table.

Ordered to a third reading.

Senator Buettner, with unanimous consent, asked that **Assembly Bill 525** be withdrawn from committee on Health, Human Services and Aging and taken up.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 585

Assembly Bill 525

Relating to changing certification of first responders to be only for the performance of certain defibrillation.

Read a third time.

Read a second time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ordered to a third reading.

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Leman, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 32.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Noes — Senator George — 1.

Assembly Bill 525

Read a third time and concurred in.

Absent or not voting — None.

Senator Clausing, with unanimous consent, asked that she be listed as a co-sponsor of **Assembly Bill 525**.

Concurred in.

Senate Bill 348

Relating to health administration and supervision, local health departments, local health officials, communicable diseases, maternal and child health, environmental health, chronic disease and injuries, granting rule-making authority and providing penalties.

Senate Bill 349

Relating to reimbursement for air travel by state officers and employes, stipends for certain moving expenses of state employes, the salary of the unclassified division administrator position at the investment board, the salary of certain psychiatric residents, the use by certain state employes of accrued annual leave and the probationary period for certain classified employes.

Read a second time.

Read a second time.

The question was: Adoption of Senate amendment 1?

Ordered to a third reading.

Senator Buettner, with unanimous consent, asked that **Senate Bill 348** be laid on the table.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Buettner, with unanimous consent, asked that **Assembly Bill 585** be withdrawn from committee on Health, Human Services and Aging and taken up.

Senate Bill 349

Read a third time.

Assembly Bill 585

Relating to health administration and supervision, local health departments, local health officials, communicable diseases, maternal and child health, environmental health, chronic disease and injuries, granting rule-making authority and providing penalties.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Read a second time.

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leman, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 33.

Senator Ellis, with unanimous consent, asked that the Senate recess until 2:00 P.M..

Noes — Senators — 0.

Absent or not voting — None.

Passed.

1:29 P.M.

SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS

Assembly Bill 95

Relating to property in the possession of a museum.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 95

Read a third time and concurred in.

Assembly Bill 174

Relating to interest on real estate trust accounts, granting rule-making authority and making an appropriation.

Read a second time.

The question was: Adoption of Senate substitute amendment 1?

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 174

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Leean, Lorman, Moen, Moore, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 33.

Noes — Senators — 0.

Absent or not voting — None.

Concurred in as amended.

Assembly Bill 535

Relating to motor vehicle dealer franchises.

Read a second time.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 535

Read a third time and concurred in.

Assembly Bill 564

Relating to reinstatement of a foreign corporation's certificate of authority and to foreign corporation annual report information.

Read a second time.

Senator Buettner, with unanimous consent, asked that she be listed as a co-sponsor of **Assembly Bill 564**.

Senator Leean, with unanimous consent, asked that **Assembly Bill 564** be referred to the joint committee on Finance.

Senator Leean, with unanimous consent, asked that **Assembly Bill 564** be withdrawn from the joint committee on Finance and taken up.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 564

Read a third time and concurred in.

Senate Resolution 7

Relating to the conduct of legislative campaign committees in the senate.

Read.

Senate amendment 1 to **Senate Resolution 7** offered by Senator Helbach.

The question was: Adoption of Senate amendment 1?

Adopted.

Senate amendments 2, 3, 4, 5 and 6 to **Senate Resolution 7** offered by Senator Adelman.

The question was: Adoption of Senate amendment 2?

Senator Petak raised the point of order that Senate amendment 2 is not germane.

The Chair rules the point well taken.

Senator Adelman appealed the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgment of the Senate?

Senator Adelman, with unanimous consent, asked that he be allowed to speak again.

Senator Ellis objected.

The question was: Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Leean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

The decision of the Chair stands.

The question was: Adoption of Senate amendment 3?

Senator Petak moved that Senate amendment 3 be laid on the table.

The question was: Shall Senate amendment 3 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

Tabled.

The question was: Adoption of Senate amendment 4?

Senator Ellis raised that point of order that Senate amendment 4 to **Senate Resolution 7** was not germane.

The Chair ruled the point well taken.

Senator Adelman appealed the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgment of the Senate.

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

The decision of the Chair stands.

The question was: Adoption of Senate amendment 5?

Senator Petak moved that Senate amendment 5 be laid on the table.

The question was: Shall Senate amendment 5 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes — Senators Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 18.

Noes — Senators Adelman, Andrea, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 15.

Absent or not voting — None.

Tabled.

The question was: Adoption of Senate amendment 6?

Senator Breske, with unanimous consent, asked that the journal show he would like to have been listed with the minority on the last role call.

The question was: Adoption of Senate amendment 6?

Senator Petak moved that Senate amendment 6 be laid on the table.

The question was: Shall Senate amendment 6 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes — Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Huelsman, Lasee, Llean, Lorman, Petak, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 17.

Noes — Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Helbach, Jauch, Moen, Moore, Plewa, Potter, Risser and Wineke — 16.

Absent or not voting — None.

Tabled.

Senate amendment 7 to **Senate Resolution 7** offered by Senator Helbach.

The question was: Adoption of Senate amendment 7?

Senator Helbach, with unanimous consent, asked that Senate amendment 7 be returned to the author.

The question was: Adoption of the resolution?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Breske, Buettner, Chvala, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, George, Helbach, Huelsman, Jauch, Lasee, Llean, Lorman, Moen, Petak, Plewa, Potter, Risser, Rosenzweig, Rude, Schultz, Stitt, Weeden, Wineke and Zien — 29.

Noes — Senators Andrea, Burke, Clausing and Moore — 4.

Absent or not voting — None.

Adopted.

Senate Bill 214

Relating to the coverage under the prevailing wage rate and hours-of-labor law of truck drivers who work on state highway projects.

Read a second time.

CHAIR

4:23 P.M.

Senator Rude in the Chair.

JOURNAL OF THE SENATE [July 7, 1993]

The question was: Adoption of Senate amendment 1?

Senator Zien, with unanimous consent, asked that Senate amendment 1 be laid on the table.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 214

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, George, Huelsman, Lasee, Lekan, Lorman, Moore, Rosenzweig, Rude, Schultz, Stitt, Weeden and Zien — 20.

Noes — Senators Andrea, Burke, Chvala, Clausing, Decker, Helbach, Jauch, Moen, Petak, Plewa, Potter, Risser and Wineke — 13.

Absent or not voting — None.

Passed.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged.

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until 10:00 A.M. Thursday, July 8.

4:34 P.M.